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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, DECEMBER 15, 1999

COMMONWEALTH OF VIRGINIA, ex rel.

DELTA RESOURCES, INC.,  
Complainant,

v.

CASE NO. PST990004

VIRGINIA ELECTRIC AND POWER COMPANY,  
Defendant.

PRELIMINARY ORDER

On December 6, 1999, Delta Resources, Inc. ("Delta") filed a formal complaint against Virginia Electric and Power Company ("Virginia Power") pursuant to Rule 5:6 of the Commission's Rules of Practice and Procedure ("Procedural Rules"). Delta, a Tennessee corporation owning coal reserves in southwestern Virginia, requests that the Commission investigate Virginia Power's use of the tax credit provided by § 58.1-2626.1 of the Code of Virginia in connection with purchases of Virginia-produced coal for resale. Delta asserts that the credit was not intended to be applicable to coal that is resold, and therefore Virginia Power should not be able to claim the credit on coal that it purchases and resells.

NOW THE COMMISSION, upon consideration of this complaint, is of the opinion and finds that this matter should be docketed;

that notice of Delta's complaint and this Order should be given to Virginia Power and its registered agent; that Virginia Power should respond to Delta's complaint; and that this matter should be assigned to a Hearing Examiner to conduct further proceedings in this matter, including scheduling a hearing if appropriate. The Commission also finds that notice of Delta's complaint and this Order should be given to certain officials of the Commonwealth. Accordingly,

IT IS ORDERED THAT:

(1) This matter is hereby docketed and assigned Case No. PST990004.

(2) On or before December 20, 1999, Delta shall serve a true copy of this Order and its complaint, including exhibits, filed December 6, 1999, on Pamela Johnson, Esquire, Virginia Electric and Power Company, P.O. Box 26666, Richmond, Virginia 23261, and Patricia A. Wilkerson, Registered Agent, Virginia Electric and Power Company, One James River Plaza, Seventh and Cary Streets, Richmond, Virginia 23219; and on the Attorney General, the Tax Commissioner, and the State Comptroller.

(3) On or before December 27, 1999, Delta shall file with the Clerk of the Commission, c/o Document Control Center, State Corporation Commission, P.O. Box 2118, Richmond, Virginia 23218-2118, a certificate of the service required by paragraph (2) above.

(4) On or before January 25, 2000, Virginia Power, and any interested person desiring to intervene in this matter, shall file an original and fifteen (15) copies of a response to Delta's formal complaint. Responses shall be filed with the Clerk of the Commission at the address set forth above and shall reference Case No. PST990004.

(5) Parties shall respond to interrogatories within ten (10) days of service. Discovery shall otherwise be in accordance with Part VI of the Commission's Procedural Rules.

(6) Pursuant to Procedural Rule 7:1, a Hearing Examiner is hereby appointed to conduct all further proceedings in this matter.